

IN RE:)
) **CASE NO: 14 - 17526 - jps**
JAMES ANTHONY PODBOY) **Chapter 13**
PAMELA JO PODBOY) **JUDGE JESSICA E. PRICE SMITH**
)
 Debtors)

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION (CLEVELAND)**

In Re:) Chapter 13 Case No.: 14-17526 - jps
)
JAMES ANTHONY PODBOY) Judge Jessica E. Price Smith
PAMELA JO PODBOY)
Debtor(s).) Original Chapter 13 Plan
) XX Modified Chapter 13 Plan, dated 5/4/17

NOTICE OF SPECIAL PROVISIONS (Check One)

☒ This plan DOES NOT include any provision deviating from the uniform plan in effect at the time of the filing of this case.

☐ This plan DOES contain special provisions that must be and are set forth in paragraph 11 below.

NOTICE OF DISCHARGE ELIGIBILITY

The Debtor is eligible for discharge unless otherwise indicated below:

☐ Debtor is NOT eligible for discharge under 11 U.S.C §1328(f).

☐ Joint Debtor is NOT eligible for discharge under 11 U.S.C §1328(f).

ATTENTION CREDITORS AND PARTIES IN INTEREST

This plan sets forth how the Debtor or Debtors ("Debtor") propose to pay claims. You should read this plan carefully and discuss it with your attorney. Anyone who wishes to oppose any provision of this plan must file a timely written objection with the court. This plan may be confirmed and become binding without further notice or hearing unless a timely written objection is filed. Creditors must file a proof of claim with the court in order to receive distributions under this plan.

1. PAYMENTS

A. The Debtor shall make monthly payments to the Chapter 13 Trustee ("Trustee") in the amount of \$600.00 per month ("Plan Payment") for at least the duration of the applicable commitment period, unless all allowed claims are paid in full in a shorter period of time.

B. (Check One)

☒ The applicable commitment period is 36 months.

☐ The applicable commitment period is 60 months.

C. Unless the court orders otherwise, the plan will not be considered complete until either (i) all allowed claims are paid in full, or (ii) the plan has run for at least the applicable commitment period and at least the amount specified in paragraph 7 has been paid to unsecured creditors.

D. Trustee may increase the Plan Payment during the term of the plan as necessary to reflect increases, if any, in any conduit payments paid by the Trustee.

2. DISTRIBUTIONS

A. After confirmation of this plan, funds available for distribution will be paid monthly by the Trustee in the following order: (i) Trustee's authorized percentage fee and/or administrative expenses; (ii) attorney fees as allowed under applicable rules and guidelines; (iii) conduit payments as provided for in paragraph 3(C); (iv) monthly payments as provided for in paragraph 5(C); (v) monthly payments as provided for in paragraphs 3(A), 3(B), 4(A), 4(B) and 9; (vi) monthly payments as provided for in paragraph 6; and (vii) general unsecured claims.

B. If the Trustee has received insufficient funds from the Debtor to make the conduit payment, the Trustee may accumulate funds until sufficient funds are available for distribution of a full monthly payment. The Trustee may distribute amounts different from the monthly payments specified in the plan if the Trustee determines such deviation is appropriate or reasonably necessary for the administration of the plan.

C. Unless a claim objection is sustained, a motion to value collateral or to avoid a lien is granted, or the court orders otherwise, distributions on account of claims in paragraphs 3(A), 3(C), 4(A), 5, 6, 7 and 9 will be based upon the classification and amount stated in each claim holder's proof of claim rather than any classification or amount stated in this plan. Conversely, distributions on account of claims in paragraphs 3(B), 4(B) and 4(C) will be based upon the classification and amount stated in the plan rather than the classification and amount stated in the claim holder's proof of claim. Unless otherwise set or mandated by statute, interest on all secured personal property claims provided for in this plan shall be paid pursuant to paragraph 4(D).

3. CLAIMS SECURED BY REAL PROPERTY

A. Mortgage Arrearages and Real Estate Tax Arrearages (Paid per the Proof of Claim)

Trustee shall pay the monthly payment amount to allowed claims for mortgage arrearages and real estate tax arrearages. Note: If the Trustee will not be making the continuing mortgage payments, the Debtor is responsible for paying all post-petition mortgage payments that ordinarily come due beginning with the first payment due after the filing of the case.

<u>Creditor</u>	<u>Property Address</u>	<u>Estimated Arrearage Claim</u>	<u>Monthly Payment on Arrearage Claim (Paid by Trustee)</u>
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NONE

B. Other Real Estate Claims (Paid per the Plan)

Trustee shall pay the monthly payment amount to creditors up to the amount and interest rate as specified below. The portion of any allowed claim that exceeds the amount to be paid through the plan shall be treated as an unsecured claim. Unless the court orders otherwise, upon confirmation, the amount, interest rate and monthly payment specified below will be binding under 11 U.S.C §1327.

<u>Creditor</u>	<u>Property Address</u>	<u>Amount to be Paid Through the Plan</u>	<u>Interest Rate</u>	<u>Monthly Payment (Paid by Trustee)</u>
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NONE

C. Conduit Payments

Trustee shall pay the regular monthly mortgage payments beginning with the first payment due after the filing of the case (or the first payment due after the filing of a modified plan if the modified plan proposes to change the treatment of a mortgage from "non-conduit" to "conduit"). Unless real estate taxes and insurance are included in the mortgage payments to be paid by the Trustee pursuant to the Plan, the Debtor shall remain responsible for paying

those obligations as they become due. Note: If the Trustee is making the continuing monthly mortgage payments, the mortgage creditor must also be listed in paragraph 3(A) above.

<u>Creditor</u>	<u>Property Address</u>	<u>Monthly Payment (Paid by Trustee)</u>
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NONE

4. CLAIMS SECURED BY PERSONAL PROPERTY

A. Secured Claims (Paid per the Proof of Claim)

Claims specified below are debts secured by a purchase money security interest in a vehicle acquired for the personal use of the Debtor for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred within one year of filing. Trustee shall pay the following claims, with interest per paragraph 4(D), in equal monthly payments as specified below.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Monthly Payment (Paid by Trustee)</u>
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NONE

B. Other Secured Claims (Paid per the Plan)

Claims specified below are debts secured by personal property not provided for in paragraph 4(A) above. Trustee shall pay the allowed claims up to the secured amount, with interest per paragraph 4(D), in equal monthly payments as specified below. The portion of any allowed claim that exceeds the secured amount will be treated as an unsecured claim. Unless the court orders otherwise, upon confirmation, the secured amount and monthly payment specified below will be binding under 11 U.S.C. §1327.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Secured Amount</u>	<u>Monthly Payment (Paid by Trustee)</u>
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NONE

C. Pre-confirmation Adequate Protection Payments (Paid per the Plan)

Trustee shall pay the monthly payment amount to creditors for pre-confirmation adequate protection as specified below.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Monthly Payment (Paid by Trustee)</u>
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NONE

D. Interest

The interest rate to be paid on all secured personal property claims provided for in this plan shall be the prime rate plus a risk factor of 2.0%. The applicable prime rate shall be fixed for the life of this plan at the U.S. prime rate shown in the Wall Street Journal for Money Rates as of the date of the entry of the confirmation order. Only through separate order may a party-in-interest obtain court approval to apply a different interest rate. This provision shall not alter interest rates set or mandated by statute.

5. DOMESTIC SUPPORT OBLIGATIONS (Paid per the Proof of Claim)

A. Debtor does ☐ does not ☒ have domestic support obligations under 11 U.S.C. §101(14A).

B. Specify the holder(s) of any claims for domestic support obligations under 11 U.S.C. §1302(d) unless the holder is a minor. If the holder of a claim is a minor, the name and address of the minor holder shall be disclosed to the Trustee in a private document contemporaneously with the filing of this plan in compliance with 11 U.S.C. §112.

<u>Holder Name</u>	<u>Address</u>
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NONE

C. Trustee shall pay the monthly payment amount to creditors for domestic support obligation arrearages as specified below. Debtor shall pay the holder(s) of non-arrearage claims for domestic support obligations as those payments ordinarily come due unless otherwise specified in paragraph 11 – Special Provisions.

<u>Creditor</u>	<u>Creditor Address</u>	<u>Monthly Payment on Arrearage Claim (Paid by Trustee)</u>
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NONE

6. OTHER PRIORITY CLAIMS (Paid per the Proof of Claim)

Trustee shall pay the monthly payment amount to creditors for allowed unsecured priority claims as specified below.

<u>Creditor</u>	<u>Monthly Payment (Paid by Trustee)</u>
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Internal Revenue Service	\$120.00
State of Ohio - Dept of Taxation	\$ 33.00
City of Euclid - Dept of Taxation	\$ 27.75

7. GENERAL UNSECURED CLAIMS

Debtor estimates the total of the non-priority unsecured debt to be \$16,374.65. Trustee will pay to creditors with allowed non-priority unsecured claims a pro-rata share of \$16,374.65 or 100%, whichever is greater. Trustee is authorized to increase the amount paid to unsecured creditors in order to comply with paragraph 1 of this plan.

8. PROPERTY TO BE SURRENDERED

A. Debtor surrenders the property described below and the creditor may file a claim for the deficiency, which will be treated as a non-priority unsecured claim. Any unsecured deficiency claim must be filed by the bar date for claims or allowed by separate order of the court.

<u>Creditor</u>	<u>Property Description</u>
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NONE

9. EXECUTORY CONTRACTS AND UNEXPIRED LEASES (Pay per the Proof of Claim)

All executory contracts and unexpired leases are rejected except the following, which are assumed. Trustee shall pay the monthly payment amount to allowed claims for executory contract arrearages and unexpired lease arrearages as specified below. Debtor shall pay all post-petition payments that ordinarily come due.

<u>Creditor</u>	<u>Property Description</u>	<u>Estimated Arrearage Claim</u>	<u>Monthly Payment on Arrearage Claim (Paid by Trustee)</u>
Alley Financial	2013 Buick	\$0	\$0

10. OTHER PLAN PROVISIONS

A. Property of the estate shall revert in the Debtor X upon confirmation. upon discharge, dismissal or completion. If the Debtor has not made a designation, property of the estate shall revert in the Debtor upon confirmation. Unless otherwise ordered, the Debtor shall remain in possession of all property of the estate during the pendency of this case. All property in which the Debtor retains possession shall be insured by the Debtor. Trustee shall have no responsibility to insure assets and shall have no liability for damage or loss relating to property which is in the possession and control of the Debtor.

B. Notwithstanding the automatic stay, creditors and lessors provided for in paragraphs 3(A), 3(C), and 9 of this plan may continue to mail customary notices or coupons to the Debtor.

C. Trustee shall pay any post-petition claim filed and allowed under §1305(a)(1).

D. The following co-debtor claims will be paid by the co-debtor outside the plan:

<u>Creditor</u>	<u>Property Description</u>
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NONE

11. SPECIAL PROVISIONS

This plan shall include the provisions set forth in the boxed area below. **Note: The provisions set forth below will not be effective unless there is a check in the second *notice box* preceding paragraph 1 of this plan.** Further, these provisions should not contain a restatement of the Bankruptcy Code, Federal Rules of Bankruptcy Procedures, Local Bankruptcy Rules or case law.

NONE

/s/ James Anthony Podboy

JAMES ANTHONY PODBOY

DATE: 5/4/17

/s/ Pamela Jo Podboy

PAMELA JO PODBOY

DATE: 5/4/17

/s/ Mark H. Knevel

Mark H. Knevel, Esq. (0029285)
Attorney for Debtor(s)
Knevel Law Co LPA
5250 Transportation Blvd Suite 201
Garfield Heights, OH 44125
(216) 523-7800
(216) 523-7801 Fax
Email: mknevel@knevellaw.com

DATE: 5/4/17

CERTIFICATION OF SERVICE

I certify a true and correct copy of the Motion to Modify Chapter 13 Plan Subsequent to Confirmation, was served via the Court's Electronic Case Filing System as indicated below, or by Ordinary US Mail, on this the 4th day of May, 2017:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

Office of the United States Trustee – Region 9

Cleveland Office of the United States Trustee, on behalf of Daniel M. McDermitt,
United States Trustee for Region 9 at the registered United States Trustee ECF mail box
@usdoj.gov, established with the bankruptcy court.

Chapter 13 Trustee

Craig Shopneck at CH13shopneck@ch13clev.com

By Ordinary US Mail

Debtors

James Anthony Podboy
Pamela Jo Podboy
901 East 250th Street
Euclid, OH 44132

Creditors

All Scheduled Creditors
(See attached Clerk of Courts Mailing Matrix)

/s/ Mark H. Knevel

KNEVEL LAW CO. LPA
Mark H. Knevel, (0029285)
Attorney for Debtors

Label Matrix for local noticing
0647-1
Case 14-17526-jps
Northern District of Ohio
Cleveland
Thu May 4 20:27:22 EDT 2017

FRA Receivables Management, LLC
POB 12907
Norfolk, VA 23541-0907

Ally Financial
PO Box 130424
Roseville, MN 55113-0004

City Of Euclid
585 E 222nd Street
Euclid, OH 44123-2026

Cleveland Clinic Physicians
& Revenue Group
4780 Hinckley Industrial Pkwy, #200
Cleveland, OH 44109-6003

Drs. Hill and Thomas Co.
PO Box 182504
Columbus, OH 43218-2504

(p)EMERGENCY MEDICINE PHYSICIANS OF LAKE COUN
PO BOX 18932
BELFAST ME 04915-4084

Euclid Hospital
c/o Revenue Group
Po Box 93983
Cleveland, OH 44101-5983

Great Lakes Pain Management
Po Box 73650
Cleveland, OH 44193-0002

Internal Revenue Service^
Department of the Treasury
PO Box 7346
Philadelphia, PA 19101-7346

Federal National Mortgage Association ("
c/o Rosicki, Rosicki & Associates, P.C.
51 East Bethpage Road
Plainview, NY 11803-4224

Howard M. Metzenbaum U.S. Courthouse
United States Bankruptcy Court
Howard M. Metzenbaum U.S. Courthouse
201 Superior Avenue
Cleveland, OH 44114-1235

Ars
1643 Harrison Parkway, Suite 1
Fort Lauderdale, FL 33323-2857

City of Euclid Tax Department
585 East 222 Street
Euclid, OH 44123-3321

Drs Hill And Chapnick
30701 Lorain Road Suite A
North Olmsted, OH 44070-6325

EMERGENCY PROF SVCS, INC.
PO BOX 1109
Minneapolis, MN 55440-1109

EMP Of Lake County LTD
c/o Escallate
5200 Stoneham Road Suite 200
North Canton, OH 44720-1584

Federal National Mortgage Association
PO Box 1047
Hartford, CT 06143-1047

HSBC/Orchard Bank
& Portfolio Recovery Associates
PO Box 12914
Norfolk, VA 23541-0914

Internal Revenue Service^^
U.S. Attorney, Att: Bankruptcy Sec.
Carl B. Stokes US Court House
801 West Superior Avenue, Suite 400
Cleveland, OH 44113-1852

Ohio Department of Taxation
c/o William C. Huffman
24441 Detroit Road, Ste. 200
Westlake, OH 44145-1543

Ally Financial
200 Renaissance Ctr
Detroit, MI 48243-1300

Ars
1643 Harrison Pkwy Ste 1
Fort LauderdaleSunrise, FL 33323-2857

Cleveland Clinic Foundation
PO Box 89410
Cleveland, OH 44101-6410

Drs Hill And Chapnick
c/o Pearl Law Offices
9393 Olde Eight Road
Northfield, OH 44067-1953

EMERGENCY PROF SVCS, INC.
PO Box 12907
Norfolk, VA 23541-0907

Eastside Primary Care LLC
36100 Euclid Avenue Ste 430
Willoughby, OH 44094-4429

Financial
200 Renaissance Ctr
Detroit, MI 48243-1300

Hillcrest Hosp./Lake Health
& Revenue Group
4780 Hinckley Ind. Pkwy, #200
Cleveland, OH 44109-6003

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Lake County ERG Assoc Inc
30701 Lorain Road Suite A
North Olmsted, OH 44070-6325

Lake Health
Po Box 715019
Columbus, OH 43271-0001

Lake Hospital System Inc
Po Box 715531
Columbus, OH 43271-0001

Midland Credit Management, Inc.
as agent for Asset Acceptance LLC
PO Box 2036
Warren, MI 48090-2036

Ohio Department of Taxation
Bankruptcy Division
P.O. Box 530
Columbus, OH 43216-0530

Quantum3 Group LLC as agent for
CF Medical LLC
PO Box 788
Kirkland, WA 98083-0788

Quantum3 Group LLC as agent for
CP Medical LLC
PO Box 788
Kirkland, WA 98083-0788

Quest Diagnostics
Po Box 7302
Hollister, MO 65673-7302

Revenue Group
c/o Revenue Group
Po Box 93983
Cleveland, OH 44101-5983

Seterus
14523 SW Millikan Way, Suite 200
Beaverton, OR 97005-2352

Setrus, Inc.
PO Box 2008
Grand Rapids, MI 49501-2008

State of Ohio, Dept of Taxation
Bankruptcy Division
PO Box 530
Columbus, OH 43216-0530

State of Ohio, Dept. of Taxation
& Atty General, Bankruptcy Staff
Collection Enforcement Section
150 East Gay Street, 21st Floor
Columbus, OH 43215-3191

State of Ohio, Dept. of Taxation
Individual Income Tax Unit
PO Box 182402
Columbus, OH 43218-2402

State of Ohio, Dept. of Taxation^
Attn.: Bankruptcy Division
PO Box 520
Columbus, OH 43216-0530

State of Ohio, Dept. of Taxation^^
& Att'y General, Bankruptcy St
Collection Enforcement Section
150 East Gay Street, 21st Floor
Columbus, OH 43215-3191

The Cleveland Clinic Foundation
Po Box 932115
Cleveland, OH 44193-0008

Univ Emerg Spec Richmond Hts
c/o Gold Key Credit
Po Box 15670
Brooksville, FL 34604-0122

Univ Hospital Medical Group
c/o First Credit Inc
Po Box 630838
Cincinnati, OH 45263-0838

Craig H. Shopneck
Chapter 13 Trustee
200 Public Square, Suite 3860
Cleveland, OH 44114-2322

James Anthony Podboy
910 East 250th Street
Euclid, OH 44132-2434

Mark H Knevel
Knevel Law Co. L.P.A.
Kennard Professional Bldg
5250 Transportation Blvd #201
Garfield Heights, OH 44125-5361

Mark H. Knevel
Knevel Law Co LPA
Kennard Professional Bldg
5250 Transportation Blvd #201
Garfield Heights, OH 44125-5361

Pamela Jo Podboy
910 East 250th Street
Euclid, OH 44132-2434

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

EMP Of Lake County LTD
Po Box 638294
Cincinnati, OH 45263

Internal Revenue Service^^^
Attorney General of the U.S.
U.S. DOJ, Civil Trial Section
PO Box 55, Ben Franklin Station
Washington, DC 20044

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Federal National Mortgage Association	(d)State of Ohio, Dept. of Taxation^^^	End of Label Matrix	
	Individual Income Tax Unit	Mailable recipients	53
	PO Box 182402	Bypassed recipients	2
	Columbus, OH 43218-2402	Total	55